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helpful to the Communist conspiracy around the world.

These men include Morarji Desai, who has been Finance Minister, and S. K. Patil, who has been Food Minister. Both are strongly anti-Red; both are friendly to the United States; and both favor close cooperation with the free and open West, as against the regimented and unfree Communist world. But Mr. Nehru, for reasons best known to himself, and despite the threat he faces from Mao's China, apparently does not want such advisers around him. Instead, pushing them out of office, he has replaced them with leftist successors who probably satisfy the insufferable standards of Krishna Menon's brand of neutralism.

All of which amounts to a mystery of sorts. Why, for example, should a man as able as Mr. Desai—who has often been thought of as Mr. Nehru's successor—be kicked downstairs? The inscrutable East, quite evidently, extends all the way to New Delhi.

### CONSTITUTIONAL RIGHTS OF MILITARY PERSONNEL

Mr. FONG. Mr. President, the rights of every American are spelled out in the U.S. Constitution and in the amendments to it.

Among these rights are the right of freedom of speech and the press, the right of freedom of religion, the right to vote, the right to due process of law, the right to a speedy public trial and to legal counsel in criminal cases, and many other basic rights.

As a member of the Senate Subcommittee on Constitutional Rights, I have long been concerned with the question of constitutional rights for all Americans and I have given a great deal of study to this question.

Because I firmly believe the rights set forth in the Constitution should be enjoyed by all regardless of race, creed, color, or national origin, I have cosponsored more than 20 bills to insure for all Americans the right to vote, to attend public schools, to have access to public accommodations, and other rights to which they are entitled.

My study also has shown the need to protect the rights of defendants in criminal cases in Federal courts. For example, although the Constitution guarantees a speedy public trial, sometimes the Government has used delaying tactics contrary to the spirit of the Constitution. The bill I have sponsored with others would prevent the Government from using tactics such as delay in bringing charges; repeatedly asking that a charge be dismissed and later bringing the same charge; filing multiple indictments in different courts without the defendant's knowing which case the Government will prosecute first; delay in going to trial long after indictment; and delay in imposing sentences.

My study has shown further a compelling need to insure fairplay and constitutional protections in trials of persons in our Armed Forces accused of wrongdoing.

I have followed closely recent developments in our Federal and military courts.

In the Federal courts, there has been a distinct trend toward providing greater judicial protection for the American serviceman. It is clear today that court-martial proceedings are subject to all the

due process requirements of the Constitution, and that Federal civil courts can review court-martial convictions and dishonorable discharge cases.

Congress, recognizing the need to safeguard the GI's constitutional rights, enacted the Uniform Code of Military Justice in 1950. The code expressly extended the protections afforded by the Bill of Rights to military personnel.

In addition, Congress established the first independent civilian tribunal—the U.S. Court of Military Appeals—empowered to review convictions imposed by military courts.

Although we have come a long way in implementing the constitutional rights for service personnel, hearings held by the Constitutional Rights Subcommittee have shown that much is still to be done.

First. Many abuses which the code was designed to eliminate still persist:

(a) The GI defendant's right to an impartial trial has been denied in some cases because military tribunals have been subject to the pressures and influence of command and other superior officers.

(b) Protections afforded by the due process clause of the Constitution are violated in the summary court-martial, where a single officer acts as judge, jury, prosecuting attorney, and defense counsel.

(c) The defendant's right to a speedy trial is infringed upon by the unreasonably long and cumbersome procedures of military trials.

(d) Defendants have been harassed by unreasonable searches and seizures, and evidence so illegally obtained has been admitted into court.

(e) Judicially untrained persons have been allowed to preside over special courts-martial and to impose the very serious penalty of a bad conduct discharge.

(f) The constitutional right to counsel is denied in many cases.

Second. The provisions of the code have been increasingly circumvented by the military's resort to administrative action, which is not subject to the code's safeguards.

(a) Accused persons have been convicted in administrative proceedings and sentenced to a bad conduct discharge or a discharge under "other than honorable" conditions without the benefit of legal counsel or other constitutional safeguards.

(b) Servicemen have been discharged administratively under "other than honorable" conditions for the same alleged misconduct for which they already had been tried and acquitted by court-martial—a clear violation of the constitutional prohibition against double jeopardy.

(c) Administrative board proceedings are not subject to appellate review, need not be presided over by an impartial and judicially trained officer, and rely on written statements rather than direct testimony and confrontation of witnesses who are compelled to appear.

Because I believe it is only fair and just that we do everything possible to protect the basic constitutional rights of men and women to whom we have

entrusted the defense of our Nation, I am cosponsoring 16 bills which have been drawn carefully to meet specifically each problem I have described.

They include proposals to: expand existing limitations on command influence; provide statutory authority for the field judiciary system developed by the Army; eliminate the summary court-martial; authorize the use of a law officer in special courts-martial; require that legally trained counsel be furnished to any serviceman who is being processed for possible discharge under other than honorable conditions; and simplify certain aspects of court-martial procedure.

### PROFESSOR BRZEZINSKI EXAMINES IMPACT OF TEST BAN ON U.S. POLICY TOWARD EUROPE

Mr. HUMPHREY. Mr. President, in the current issue of the New Republic, the eminent Soviet scholar, Prof. Zbigniew Brzezinski, of Columbia University, has analyzed two profound questions related to the signing of the limited test ban treaty. First: Why did the U.S.S.R. suddenly agree to sign this treaty? Second: What ought to be the U.S. response in the months ahead?

I suggest that both of these questions are indeed fundamental. Many theories have been propounded by Soviet experts and pseudoexperts as the reasons for Soviet acceptance of a limited treaty. Professor Brzezinski is acknowledged to be as well informed on Soviet strategy and tactics as any political scientist in this country. He writes:

Khrushchev's acceptance of an atmosphere-only test ban strongly suggests a major Soviet reassessment of the world situation and an implicit acknowledgment that Soviet policies of the last few years have failed. The Soviet leaders have evidently concluded that the general world situation is again in a quiescent stage. Instead of dissipating Soviet resources in useless revolutionary efforts or missile adventures of the Cuban variety, they will probably concentrate on consolidating their present position.

Professor Brzezinski goes on to itemize the factors contributing to the failure of Soviet policy. These include—a failure of the economy to grow as fast as predicted, a lagging standard of living, rising food prices, continued disaffection among intellectuals and artists, continued resentment of Moscow control among ethnic minorities, the Sino-Soviet ideological dispute, disaffection among satellite nations, the failure of Soviet policy in Africa and the Middle East. Finally, when Khrushchev felt the naked power of the U.S. strategic forces in his reckless adventurism in Cuba, he decided the time had arrived for a major consolidation of Soviet policy.

As Professor Brzezinski emphasizes, this clearly does not mean that United States-Soviet differences will dissolve. There exist today and for the foreseeable future the most profound and fundamental disagreements between the two regimes. However, the months ahead do offer the United States a rare opportunity to work toward the consolidation of Europe, particularly to continue the evolution toward national identity among the Soviet satellites which has